

Court of Appeals, State of Michigan

ORDER

People of MI v Nasseem Al-Harbi

Docket No. 288162

LC No. 07-008893

Michael J. Talbot
Presiding Judge

Brian K. Zahra

Cynthia Diane Stephens
Judges

In lieu of granting the application, the Court orders, pursuant to MCR 7.205(D)(2), that the August 8, 2008, order of the Wayne Circuit Court dismissing the charge against defendant hereby is VACATED. In this case, defendant pleaded guilty to the misdemeanor charge and the court accepted defendant's plea. The plea transcript reflects that the court then immediately sentenced defendant to one year probation with anger management therapy. Further, the circuit court entered an order of conviction and sentence on August 9, 2007. A court speaks through its written orders. *People v Vincent*, 455 Mich 110, 123; 565 NW2d 629 (1997), reh den 456 Mich 1201 (1997). Accordingly, delayed sentencing pursuant to MCL 771.1(2) was simply not available to this defendant, despite the fact that the circuit court and the parties proceeded as if defendant's sentence had been delayed. Even if defendant's sentence had been delayed, the plain language of MCL 771.1(2) does not provide authority for the trial court to dismiss the charge against defendant. See *People v Leonard*, 144 Mich App 492; 375 NW2d 745 (1985); *People v Monday*, 70 Mich App 518, 522; 245 NW2d 811 (1976). The case is REMANDED to the circuit court for reinstatement of defendant's conviction.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 09 2009

Date

Sandra Schultz Mengel
Chief Clerk